IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 170 of 2006

Mohd. Haneef S/o Sri Jalil Miya,
R/o Electric Department, Sub-Station 1,
Pant Nagar, Post Office Pant Nagar,
District Udham Singh Nagar – 263145. ……. Appellant

Versus

1. G.B. Pant Agriculture & Technology University,
   Pant Nagar through its Vice Chancellor,
   District Udham Singh Nagar.
2. The Registrar,
   G.B. Pant Agriculture & Technology University,
   Pant Nagar, Udham Singh Nagar.
3. Establishment Officer,
   G.B. Pant Agriculture & Technology University,
   Pant Nagar, Udham Singh Nagar. …… Respondents

Mr. M.S. Chauha, Advocate for the appellant.
Mr. Rajendra Dobhal, Advocate for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.S. Chauhan, Advocate for the appellant.

Mr. Rajendra Dobhal, Advocate for the respondents.

They are heard on admission.

2. Appellant Mohd. Haneef has filed this Special Appeal against the impugned judgment dated 28.11.2006 passed in Writ Petition No. 1482 of 2006 (S/S).

3. The appellant filed the writ petition for the following reliefs:

> "I. Issue a writ, order or direction in the nature of certiorari quashing the impugned orders dated 14 Nov. 2006 passed by respondents annexed in the writ petition as Annexure No. 4.
>
> II. Issue a writ, order or direction it the nature of mandamus directing the respondents not to interfere in the working of the petitioner and to pay salary and other allowances admissible as and when due along with arrears of salary.

III. Issue any other order of direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.

IV. Award cost of the petition to the Petitioner."

4. The petitioner, in substance, was challenging the order dated 14.11.2006 (Annexure No. 4), whereby the petitioner, pending an inquiry against him, was attached to Patwadangar Unit of G.B. Pant University.

5. The submissions advanced on behalf of the petitioner before the learned Single Judge did not find favour and the petitioner's writ petition was dismissed with the following order:

"Heard Shri M.S. Chauhan, learned counsel for the petitioner and Shri Rajendra Dobhal, learned counsel for the respondents.

By means of this petition, the petitioner has challenged the order dated 14.11.2006 (Annexure-4), passed by the respondent, whereby the petitioner, a helper/wireman, has been attached at Patwadanga-unit of G.B. Pant University.

This Court can interfere under Article 226 of Constitution of India only in respect of violation of some right. The petitioner failed to show any right to continue to serve only at Pantnagar. Apart from this, the papers on record, particularly the impugned order (Annexure-4) shows the petitioner's misconduct in disobeying its employer's direction to occupy the allotted accommodation.

The impugned order further discloses that the petitioner is using illegally connected electric line in two quarters, provided to him. And one of the quarter has been let out to some unauthorised person.

In the circumstances, this Court is not inclined to grant any of the reliefs, prayed by the petitioner.

The writ petition is dismissed in limine. (All pending applications stands disposed of)."

6. From the impugned order dated 14.11.2006, it becomes apparent that it is only a temporary arrangement during the pendency of the inquiry against the petitioner that he was attached to Patwadangar Unit of G.B. Pant University. Learned counsel for the

Petitioner could not point out any illegality or infirmity in the order dated 14.11.2006, which may warrant interference.

7. We, therefore, do not find any illegality in the impugned judgment passed by the learned Single Judge declining to exercise the discretionary jurisdiction under Article 226 of the Constitution of India.

8. The Special Appeal, therefore, is liable to be dismissed and is hereby dismissed summarily.

9. Consequently, CLMA No 14837 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
11.12.2006 11.12.2006

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